

REMARKS/ARGUMENTS

Claims 1 and 3-5 are active in this application. Claim 1 has been amended to delete formula (2) and to specify that component 1 is present in an amount of 1 to 30 wt% and that component 2 is present in an amount of 99 to 70wt%. This amendment is supported by the claim as originally filed and the specification at page 43, lines 16 to 20. No new matter has been added by these amendments.

The present invention relates to a rubber composition. The rubber composition comprises (I) 1 to 30% by weight of a conjugated diene-based (co)polymer rubber represented by formula (1) having an amino group and an alkoxysilyl group on a polymer chain. Further, the conjugated diene-based (co)polymer rubber component (I) has a weight average molecular weight of 1,000 to 90,000. The rubber composition further comprises (II) 99 to 70% by weight of a conjugated diene-based (co)polymer rubber having a weight average molecular weight of 100,000 to 2,000,000, such that the total of (I) and (II) equals 100% by weight of the composition.

The claims stand rejected under 35 U.S.C. § 103 over Kobayashi et al. (based upon its equivalent Tsukimawashi et al. U.S. Publication 2004/0254301), in view of Kobayashi et al. J.P.'936. The Examiner has noted at page 5, paragraph 13 of the Office Action that the present rejection is based upon claimed structure (2). Claimed structure (2) is no longer part of the present invention as claimed. None of the cited references disclose a composition having components (I) and (II) in the claimed amounts wherein component (I) is a compound of formula (1).

Even if one were to accept the Examiner's suggestion that Kobayashi et al. and Tsukimawashi et al. can be combined to render the present invention obvious there is nothing within either reference to suggest the specific combination of the two (co)polymer rubbers as required in the present invention, wherein the first of the two (co)polymer rubbers has

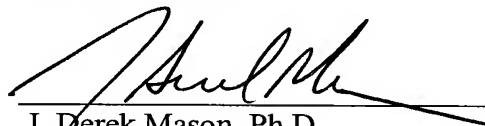
formula (1), nor that their combination would provide any particular benefit relative to the tertiary amines disclosed by Kobayashi et al. Applicants have provided within the present specification Examples 1, 4, 5, and 6, each of which use a rubber corresponding to formula (1) of the present claims. The data provided by these examples is believed to be commensurate in scope with the present claims, having ratios of (I)/(II) of 5/95, 5/95, 10/90 and 3/97 respectively. Regardless, since the references do not present a prima facie case of obviousness for the claims as now amended, the scope of the examples and comparative examples with respect to being commensurate with the claims, is irrelevant, as comparative data is not required to overcome the rejections.

None of the references cited by the Examiner disclose rubber having formula (1) as claimed for component (I), and particularly its combination with component (II) in the required ratio. Absent this, the references cannot combine to render the present invention obvious and the rejection should be withdrawn.

Applicants submit that the application is now in condition for allowance, an early notification of such action is earnestly solicited.

Respectfully submitted,

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